

ENVIRONMENTAL QUALITY

CHAPTER 36

SUBDIVISIONS/ON-SITE
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Sub-Chapter 8

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Sub-Chapter 8

Subdivision Review Fees

17.36.801 PURPOSE (1) The purpose of this subchapter is to establish a schedule of fees to be paid to the department for the local and state review of subdivision applications. The schedule consists of three sections relating to the collection of fees for the review of divisions of land, condominiums and areas providing permanent multiple space for recreational camping vehicles and mobile homes. The fees are based on the complexity of the subdivision, including the number of lots, the type of water system to serve the development, the type of wastewater disposal to serve the development, and the degree of environmental research necessary to supplement the review procedure. (History: 76-4-105, MCA; IMP, 76-4-105, MCA; NEW, EMERG, Eff. 5/15/75; NEW, Eff. 9/5/75; AMD, Eff. 5/6/76; AMD, EMERG, 1977 MAR p. 536, Eff. 9/6/77; AMD, 1977 MAR p. 750, Eff. 10/25/77; TRANS, from DHES, 1996 MAR p. 1499; AMD, 1998 MAR p. 646, Eff. 3/13/98; AMD, 2002 MAR p. 1465, Eff. 5/17/02.)

17.36.802 FEE SCHEDULES (1) An applicant for approval of a division of land into one or more parcels, condominiums, mobile home/trailer courts, recreational camping vehicle spaces and tourist campgrounds shall pay the following fees:

	<u>UNIT</u>	<u>UNIT COST</u>
<u>TYPE OF LOTS</u>		
Subdivision lot	lot/parcel	\$75
Condominium/trailer court/ recreational camping vehicle campground	unit/space	\$30
Resubmittal fee - previously approved lot, boundaries are not changed	lot/parcel	\$50
<u>TYPE OF WATER SYSTEM</u>		
Individual or shared water supply system (existing and proposed)	unit	\$50

	<u>UNIT</u>	<u>UNIT COST</u>
Multiple user system - new system	each	\$250 (plus \$50/hour for review in excess of five hours)
- connection to approved existing distribution system	lot/unit	\$ 15
- extension to existing	lot/unit	\$ 30
Public water system New system per DEQ-1	component	per ARM 17.38.106 fee schedule
- connection to existing system	lot/structure	\$ 15
- extension of existing system	lot/structure	\$ 30
- new distribution system	lot/structure	\$ 30
<u>TYPE OF WASTEWATER DISPOSAL</u>		
Existing systems	unit	\$ 50
New subsurface system	drainfield	\$ 60
New pressure-dosed, elevated sand mound, ET systems, intermittent sand filter, ETA systems, recirculating sand filter, recirculating trickling filter, aerobic treatment unit,	design	\$150 (plus \$50/hour for review in excess of three hours)

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	<u>UNIT</u>	<u>UNIT COST</u>
Drainfields for pressured-dosed, intermittent sand filter, recirculating sand filter, recirculating trickling filter, aerobic treatment unit, and nutrient removal	drainfield	\$ 30
Multiple user wastewater system		
- connection	lot/unit	\$ 15
- extension	lot/unit	\$ 30
- new collection system	lot/unit	\$ 30
New public wastewater system per DEQ-2	component	per ARM 17.38.106 fee schedule
- New connection to existing system	lot/structure	\$ 15
- New extension to existing public wastewater system	lot/structure	\$ 30
- New public wastewater collection system	lot/structure	\$ 30
<u>OTHER</u>		
Deviation from circular	request or per design	\$100 (plus \$50/ hour for review in excess of two hours)
Waiver from rule	request	\$100 (plus \$50/hour for review in excess of two hours)

	<u>UNIT</u>	<u>UNIT COST</u>
Reissuance of original approval statement	request	\$ 50
Municipal facilities exemption checklist (former master plan exemption)	application	\$ 75
Nonsignificance determinations/ categorical exemption reviews - individual/shared systems	drainfield	\$ 40
- multiple-user and public systems	lot/structure	\$ 20
Storm drainage plan review - plans exempt from Circular DEQ-8	plan	\$ 25
- Circular DEQ-8 review	plan	\$ 50 (plus \$ 50/hour for review in excess of one hour)
Preparation of environmental assessments/environmental impact statements	----	actual cost

(History: 76-4-105, MCA; IMP, 76-4-105, 76-4-128, MCA; NEW, EMERG, Eff. 5/15/75; NEW, Eff. 9/5/75; AMD, Eff. 5/6/76; AMD, EMERG, 1977 MAR p. 536, Eff. 9/6/77; AMD, 1977 MAR p. 750, Eff. 10/25/77; AMD, 1980 MAR p. 2967, Eff. 11/29/80; AMD, 1981 MAR p. 1288, Eff. 10/30/81; AMD, 1983 MAR p. 851, Eff. 7/15/83; AMD, 1984 MAR p. 1027, Eff. 7/13/84; AMD, 1992 MAR p. 2145, Eff. 9/25/92; AMD, 1993 MAR p. 542, Eff. 4/16/93; TRANS, from DHES, 1996 MAR p. 1499; AMD, 1998 MAR p. 646, Eff. 3/13/98; AMD, 2002 MAR p. 1465, Eff. 5/17/02.)

Rule 17.36.803 reserved

17.36.804 DISPOSITION OF FEES (1) The department shall use the fees collected pursuant to ARM 17.36.802 to fund the following functions:

(a) review performed pursuant to subchapter 1 to determine whether:

(i) the application complies with subchapter 3;

(ii) to grant a waiver or deviation pursuant to ARM 17.36.601; or

(iii) the proposed subdivision is excluded from review pursuant to ARM 17.36.605;

(b) review performed pursuant to ARM 17.30.706 to determine whether significant degradation will occur;

(c) review performed pursuant to ARM 17.30.707, 17.30.708, 17.30.715, or 17.30.716, regarding nondegradation;

(d) preparation of an environmental assessment pursuant to ARM 17.4.609 and 17.4.610, including costs of gathering data and information, analysis, printing, distribution, and hearing costs;

(e) preparation of an environmental impact statement pursuant to ARM 17.4.615 through 17.4.629, including costs of analysis, printing, distribution, and hearing costs, and excluding the costs of information and data gathering which are subject to fee assessment pursuant to 75-1-202, MCA;

(f) reimbursement of local government entities as provided in (2) and (3) of this rule; and

(g) conducting inspections and enforcement activities pursuant to 76-4-107 and 76-4-108, MCA.

(2) The department shall reimburse local governing bodies under department contract to review subdivisions as follows:

(a) For subdivisions with individual wastewater treatment systems, the department shall reimburse \$25 per lot plus 80% of the review fee under ARM 17.36.802 for each review of water and wastewater systems and nonsignificance determinations and categorical exemptions performed by the local governing body.

(3) The department may reimburse counties that have not been delegated review authority but that perform review services including, but not limited to, inspection of proposed and approved facilities and assistance to persons in the application procedure as follows:

(a) \$25 per parcel for subdivisions with individual or shared wastewater treatment systems. A site evaluation must accompany the submittal.

(4) Funds must be reimbursed to the local governing bodies quarterly, based upon the fiscal year starting on July 1 and

ending on June 30 of each year. (History: 76-4-105, MCA; IMP, 76-4-105, 76-4-128, MCA; NEW, EMERG, Eff. 5/15/75; NEW, Eff. 9/5/75; AMD, Eff. 5/6/76; AMD, EMERG, 1977 MAR p. 536, Eff. 9/6/77; AMD, 1977 MAR p. 750, Eff. 10/25/77; AMD, 1980 MAR p. 2967, Eff. 11/29/80; AMD, 1981 MAR p. 1288, Eff. 10/30/81; AMD, 1984 MAR p. 1027, Eff. 7/13/84; AMD, 1992 MAR p. 2145, Eff. 9/25/92; TRANS, from DHES, 1996 MAR p. 1499; AMD, 1998 MAR p. 646, Eff. 3/13/98; AMD, 2002 MAR p. 1465, Eff. 5/17/02.)

17.36.805 CHANGES IN SUBDIVISION (1) If, during the review process, or after approval, an applicant proposes to change the water supply system, wastewater treatment system, storm water drainage plan, or solid waste disposal plan of a subdivision or if such changes are necessitated by a department determination that proposed plans are inadequate, such changes must be submitted to the reviewing authority for review and are subject to the resubmittal review fee and fees for the components proposed for change as listed in ARM 17.36.802.

(2) Other changes for plan components not listed in ARM 17.36.802 are also subject to additional review fees. The department shall determine the exact amount of the additional fee based on how much review time the change(s) require. Review time must be charged at the rate of \$50 per hour with a minimum charge of \$50. (History: 76-4-105, MCA; IMP, 76-4-105, MCA; NEW, EMERG, Eff. 5/15/75; NEW, Eff. 9/5/75; AMD, Eff. 5/6/76; AMD, EMERG, 1977 MAR p. 536, Eff. 9/6/77; AMD, 1977 MAR p. 750, Eff. 10/25/77; AMD, 1984 MAR p. 1027, Eff. 7/13/84; TRANS, from DHES, 1996 MAR p. 1499; AMD, 1998 MAR p. 646, Eff. 3/13/98; AMD, 2002 MAR p. 1465, Eff. 5/17/02.)

